

Anne Arundel County Employee Relations Manual

Number: K-03

Subject: Workplace Bullying Policy

Date Issued: June, 2019

Revision(s): N/A

The purpose of this document is to provide employees, supervisors, and managers with guidance and direction on Anne Arundel County's policy and procedure relating to **any** instances of bullying in the workplace, and to ensure a professional, safe workplace for employees and the public. This policy and procedure applies to all employees of Anne Arundel County government including, classified, exempt, temporary, seasonal and contractual employees, and to all volunteers.

I. Policy

Anne Arundel County Government prohibits workplace bullying or threats of any kind. No bullying, threatening or violent behavior will be tolerated, and no complaint of such conduct will be ignored.

Anne Arundel County strongly encourages employees who believe they are the victim of bullying behavior at the workplace, or anyone who observes such behavior, to immediately report it to a supervisor, department head, the Office of Personnel, or the Equal Employment Opportunity Director. The County will respond promptly to any reports of workplace bullying and will take any disciplinary action necessary, up to and including termination of employment for anyone found to violate this policy.

Retaliation against any employee who brings a complaint or report of bullying conduct pursuant to this policy is prohibited, and those who engage in any retaliation may also be subject to discipline, up to and including termination of employment.

As set forth in the Employee Relations Manual, Section K-01 Non-Discrimination and Non-Harassment in Employment, the County prohibits unlawful discrimination and harassment on the basis of an employee's race, religion, gender, national origin, disability, sexual orientation, gender identity, age, or any other characteristic protected by applicable law. While workplace bullying may be intertwined with unlawful discrimination and harassment, bullying behavior can occur apart from these other forms of misconduct. In either case, workplace bullying is prohibited. This policy specifically addresses those occurrences of workplace bullying that are not intertwined with allegations of unlawful discrimination and harassment; conduct that might be unlawful discrimination or harassment should be reported pursuant to Section K-01 of the ERM.

II. Definitions

Workplace Bullying: Workplace bullying is defined as intentional, persistent, malicious, unwelcome, severe or pervasive conduct that harms, intimidates, offends, degrades, or threatens an employee, whether verbal (including written or electronic) or physical. Examples of workplace bullying include, but are not limited to:

- **Verbal bullying.** Slandering, ridiculing, or maligning a person or his/her family; persistent name-calling that is hurtful, insulting, or humiliating; using a person as the butt of jokes; abusive and offensive remarks; spreading rumors or gossip about an employee; public reprimands or humiliation; raising one's voice in public or private, initiating frivolous or fraudulent complaints against another employee.
- **Physical bullying.** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damaging an employee's work area or property; nonverbal gestures that convey threatening messages.
- **Cyberbullying.** Bullying conduct that takes place online or is perpetrated using electronic means of communication.
- **Exclusion.** Socially or physically excluding an employee in work-related activities; not allowing an employee to speak or express himself/herself; or ignoring an employee.
- **Work sabotage.** Sabotage of an employee's work product or undermining an employee's work performance; encouraging others to ignore a supervisor's instructions; manipulating the ability of an employee to do his/her work (*e.g.*, setting unreasonable deadlines, overloading assignments, withholding information or giving deliberately ambiguous instructions); taking credit for another employee's work; repeatedly finding errors in an employee's work that cannot be documented.

Workplace Supervision: There is a difference between bullying and appropriate workplace supervision. Routine workplace supervision is **not** bullying. Examples of appropriate supervisory activities include but are not limited to the following:

- Disciplinary action issued pursuant to applicable law, rule, or policy;
- Routine coaching or counseling, including correction of work performance or conduct;
- Routine direction or assignment of work by a supervisor;
- Performance appraisals;
- Ongoing meetings to address performance issues;
- Investigation of allegations of misconduct or policy violation; or

- Differences of opinion on work-related issues.

III. Responsibilities

Managers and Supervisors -- Managers and Supervisors are responsible for:

- Clearly communicating all policies and regulations regarding workplace bullying;
- Taking all reports of bullying seriously and immediately informing their department head, the Office of Personnel, or the Equal Employment Opportunity Director of such reports;
- Avoiding bullying behavior towards other employees;
- Refraining from retaliation against individuals who report incidents of bullying or who participate in an investigation of a report of bullying; and
- Implementing appropriate remedial action which may include disciplinary action against individuals who engage in bullying or retaliation.

Employees -- All employees are responsible for:

- Conducting themselves in a manner which demonstrates professionalism and mutual respect for others;
- Reporting any bullying conduct they experience or observe in the workplace to a supervisor, department head, the Office of Personnel, or the Equal Employment Opportunity Director;
- Cooperating in any investigation of reports of bullying in the workplace; and
- Maintaining confidentiality of the information shared with the employee through the reporting or investigation process.

IV. Investigation Procedure

- An employee who believes that he or she has been subject to bullying should immediately bring the behavior to the attention of a supervisor,

department head, the Office of Personnel, or the Equal Employment Opportunity Director.

- If the employee's supervisor or other manager in the employee's chain of command is the source of the bullying, or if the employee is otherwise uncomfortable discussing the matter with a supervisor, the employee should contact either the Office of Personnel or the Equal Employment Opportunity Director.
- Following completion of the Workplace Bullying Incident Report by the complainant, all complaints will be investigated. As determined by the Personnel Officer, the investigation may be conducted by the Office of Personnel, the Equal Employment Opportunity Director, and/or the applicable departmental designee.
- In general, the formal investigation will include interviews with the complainant, the person alleged to have engaged in bullying, and any witnesses identified.
- In conducting the investigation, the County will respect the privacy of all concerned and will maintain confidentiality to the fullest extent possible.
- The investigator, in conjunction with the Office of Personnel and/or Equal Employment Opportunity Director, will make a determination and issue a report as to whether the allegations of bullying were substantiated. If the allegations are proven, the County will issue remedial action and/or disciplinary action as appropriate, up to and including termination of employment.
- The Office of Personnel or departmental designee will advise the complainant and respondent of the results of the investigation. The complainant will not be informed, however, of any discipline issued to the respondent or others.

V. Education and Training

Anne Arundel County Government shall provide on-going, periodic educational and training programs to inform County employees of relevant policy updates. This policy will be provided to all new employees during orientation, and any revisions to this policy will be provided to current employees within the Employee Relations Manual. This policy shall in no manner be construed to hinder the effective training methods of Anne Arundel County's public safety employees, including, but not limited to, approved assertive training practices, scenarios and protocol to ensure safety in emergency situations.

VI. Retaliation Prohibited

Anne Arundel County will not tolerate retaliation against employees making a good faith report of bullying, even where the reported concerns are unsubstantiated. This policy prohibits any retaliatory conduct (such as threats, intimidation, reprisals, harassment, incivility and other adverse actions) against any employee who reports bullying, assists someone with a report of bullying, or participates in an investigation or resolution of a bullying complaint.